

STATE OF CALIFORNIA  
RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

ORDER

APPLICATION 14083

PERMIT 8562

LICENSE 4140

ORDER ALLOWING CORRECTION OF DESCRIPTION OF  
POINT OF DIVERSION AND PLACE OF USE

WHEREAS License 4140 was issued to Diebold Mills, Inc., and was filed with the County Recorder of Del Norte County on October 24, 1955, and

WHEREAS said license was subsequently assigned to B & R Sawmills, Inc.,

WHEREAS the State Water Rights Board has found that the correction of description of point of diversion and place of use under said license for which petition was submitted on September 25, 1964, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said corrections and has directed that an order be issued to describe said point of diversion and place of use in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to correct the description of point of diversion under said License 4140 to read as follows, to wit:

NORTH ONE THOUSAND TWO HUNDRED SIXTY (1260) FEET AND EAST FOUR HUNDRED THIRTY (430) FEET FROM SW CORNER OF SE $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 9, T16N, R1W, HB&M, BEING WITHIN SE $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SAID SECTION 9.

STATE OF CALIFORNIA  
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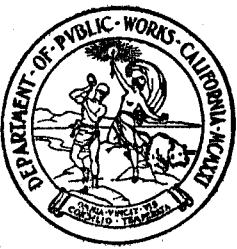
IT IS FURTHER ORDERED that permission be and the same is hereby granted  
to correct the description of place of use under said License 4140 to read as  
follows, to wit:

WITHIN NE $\frac{1}{4}$  OF SW $\frac{1}{4}$ , SE $\frac{1}{4}$  OF SW $\frac{1}{4}$  AND SW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 9,  
T16N, R1W, HB&M.

WITNESS my hand and the seal of the State Water Rights Board of the  
State of California this 4th day of June, 1965

*L. K. Hill*  
L. K. Hill  
Executive Officer





STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 14083

PERMIT 8562

LICENSE 4140

THIS IS TO CERTIFY, That Diebold Mills, Inc.  
Smith River, California

Notice of Assignment (Over)  
has made proof as of September 22, 1954,

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
an unnamed stream in Del Norte County

tributary to Lake Earl

for the purpose of industrial use

under Permit 8562 of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from November 30, 1950; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed one hundredth (0.01) cubic foot per second by direct diversion to be diverted from January 1 to December 31 of each year, and thirty-five (35) acre-feet per annum by storage to be collected from about November 1 of each year to about March 1 of the succeeding year.

The point of diversion of such water is located north four hundred ten (410) feet and east four hundred thirty (430) feet from the SW corner of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 9, T 16 N, R 1 W, HB&M, being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 9.

A description of the lands or the place where such water is put to beneficial use is as follows:

within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 9, T 16 N, R 1 W, HB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public  
Works of the State of California, this 21st  
day of October, 1955

A. D. EDMONSTON, State Engineer

By Harvey O. Banks  
HARVEY O. BANKS  
Assistant State Engineer

6/13/55 RECEIVED NOTICE OF ASSIGNMENT TO Cal - Ore. Veneer, Inc.

11-21-65 RECEIVED NOTICE OF ASSIGNMENT TO ...

3-25-64 RECEIVED NOTICE OF ASSIGNMENT TO ...

10/2/64 RECEIVED NOTICE OF ASSIGNMENT TO ...

10/6/67 RECEIVED NOTICE OF ASSIGNMENT TO Northcrest, Inc.

2-4-70  
8/7/99 Assign to RTD Properties, Inc;

LICENSE 4140

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Diabola Mills, Inc.

DATED OCT 21 1955